

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS

IN RE: YASMIN AND YAZ
(DROSPIRENONE) MARKETING, SALES
PRACTICES AND PRODUCTS LIABILITY
LITIGATION

)
) 3:09-md-02100-DRH-PMF
)
) MDL No. 2100
)

This Document Relates to:

*Tommye White v. Bayer HealthCare
Pharmaceuticals, Inc., et al.*

No. 3:12-cv-10059-DRH-PMF

ORDER GRANTING MOTION TO DISMISS WITHOUT PREJUDICE

HERNDON, Chief Judge:

This matter is before the Court on the Bayer Defendants motion for an Order dismissing the above captioned plaintiff's claims without prejudice for failure to file an appearance as required by this Court's Order and Local Rule 83.1(g)(2). The Bayer defendants filed this motion on September 25, 2012. To date, the plaintiff has not filed a responsive pleading.

On July 30, 2012, the Court granted a motion to withdraw filed by the plaintiff's counsel. The Order provided that, "[i]f plaintiff or her new counsel fails to file a supplementary entry of appearance within 21 days of the entry of this Order, plaintiff's action will be subject to dismissal without prejudice under Federal Rule of Civil Procedure 41(b) for failure to prosecute or to comply with the Orders of this Court including failure to comply with the Plaintiff Fact Sheet requirements." To date, and in violation of the Order and Local Rule 83.1(g), the plaintiff has not filed a supplementary appearance.

The plaintiff must comply with the Local Rules and this Court's orders. Fed. R. Civ. P. 41(b). In addition, the plaintiff's delay has prejudiced the Bayer defendants. The plaintiff's fact sheet was due on or before June 29, 2012, and the Bayer defendants extended that deadline (until July 29, 2012) at the request of the plaintiff's former counsel.¹ To date, and in violation of CMO 12, the plaintiff has not served a fact sheet.

Accordingly, for the reasons stated herein, the claims of the plaintiff are hereby dismissed without prejudice.

So Ordered:

 Digitally signed by
David R. Herndon
Date: 2012.11.07
14:50:26 -06'00'

Chief Judge
United States District Court

Date: November 7, 2012

¹ Bayer answered the complaint on May 15, 2012.